

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS

BORIS BRYANT, DARREN MAYO,  
EDWARD PIERRE, LAWRENCE GRICE,  
KEVIN MCINTYRE, MAURICE  
GALIMORE, JAMES BROWN, CARLOS  
BEATTY, MARCUS PAREJO, LAMAR  
NEWTON, JOHN LUCAS, CARLTON  
SYKES,

Plaintiffs,

v.

FMC TECHNOLOGIES, INC.,  
PROSTAFF PERSONNEL  
ACQUISITION CORP.,

Defendants.

Case No. 04:08-CV-03744

**PLAINTIFF'S PROPOSED SPECIAL VERDICT**

The Plaintiffs submits the following proposed Special Verdict as required by the Court's procedures.

Respectfully submitted,

*/S/ Angela Alioto*

Date: October 4, 2010

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Angela Alioto  
Attorney in Charge for Plaintiffs

**Bryant et al. v. FMC Technologies et al**

**SPECIAL VERDICT FORM: PLAINTIFF BORIS BRYANT**

**Racial Harassment by Defendant FMC**

**Question No. 1**

Was Plaintiff subjected to a hostile or abusive work environment because of his race?

Yes \_\_\_\_\_ No \_\_\_\_\_

If you answered "Yes" to Question No. 1, then answer the following Question:

**Question No. 2**

Was such hostile or abusive work environment created or permitted by a supervisor with immediate or successively higher authority over plaintiff?

Yes \_\_\_\_\_ No \_\_\_\_\_

If you answered "Yes" to Questions No. 1 and 2, then answer the following Question:

**Question No. 3**

Did Plaintiff suffered damages as a proximate or legal result of such hostile or abusive work environment?

Yes \_\_\_\_\_ No \_\_\_\_\_

If you answered "Yes" to Questions No. 1, 2, and 3 then answer the following Question:

**Question No. 4**

A. Did Defendant exercise reasonable care to prevent and promptly correct any racially harassing behavior?

Yes \_\_\_\_\_ No \_\_\_\_\_

B. Did Plaintiff unreasonably fail to take advantage of any preventive or corrective opportunities provided by Defendant, or to avoid harm otherwise?

Yes \_\_\_\_\_ No \_\_\_\_\_

If you answered "No" both parts of question No.4, continue to question No. 5

Question No. 5

Should Plaintiff be awarded damages to compensate for a net loss of wages and benefits to the date of trial.

Yes \_\_\_\_\_ No \_\_\_\_\_

If your answer is yes, in what amount?

\$ \_\_\_\_\_

Question No. 6

Should Plaintiff be awarded damages to compensate for emotional pain and mental anguish?

Yes \_\_\_\_\_ No \_\_\_\_\_

If your answer is yes, in what amount?

\$ \_\_\_\_\_

Question No. 7

A. Did a higher management official of the Defendants act with malice or reckless indifference to the Plaintiff's federally protected rights?

Yes \_\_\_\_\_ No \_\_\_\_\_

B. If your answer is Yes, did the Defendant fail to act in a good faith attempt to comply with the law by adopting and complying with policies designed to prohibit such harassment in the workplace?

Yes \_\_\_\_\_ No \_\_\_\_\_

C. If your answer is Yes, what amount of punitive damages, if any, should be assessed against the Defendant?

\$ \_\_\_\_\_

SO SAY WE ALL. Please continue to the next section.

**Race Discrimination: Title VII by Defendant FMC**

Question No. 1

Was Plaintiff denied a promotional opportunity or training, or was Plaintiff disciplined by the Defendant?

Yes \_\_\_\_\_ No \_\_\_\_\_

Question No. 2

Was the Plaintiff's race a substantial or motivating factor that prompted Defendant FMC to take that action?

Yes \_\_\_\_\_ No \_\_\_\_\_

[If you answered No to either Question 1 or 2 you need not answer the remaining question in this section]

Question No. 3

Should the Plaintiff be awarded damages to compensate for a net loss of wages and benefits to the date of trial?

Yes \_\_\_\_\_ No \_\_\_\_\_

If your answer is yes, in what amount?

\$ \_\_\_\_\_

Question No. 4

Should the Plaintiff should be awarded damages to compensate for a net loss of wages and benefits in the future?

Yes \_\_\_\_\_ No \_\_\_\_\_

If your answer is yes, in what amount?

\$ \_\_\_\_\_

Question No. 5

Should the Plaintiff be awarded damages to compensate for emotional pain and mental anguish?

Yes \_\_\_\_\_ No \_\_\_\_\_

If your answer is yes, in what amount?

\$ \_\_\_\_\_

Question No. 6

A. Did a higher management official of the Defendants act with malice or reckless indifference to the Plaintiff's federally protected rights?

Yes \_\_\_\_\_ No \_\_\_\_\_

B. If your answer is Yes, did the Defendant fail to act in a good faith attempt to comply with the law by adopting and complying with policies designed to prohibit such harassment in the workplace?

Yes \_\_\_\_\_ No \_\_\_\_\_

C. If your answer is Yes, what amount of punitive damages, if any, should be assessed against the Defendant?

\$ \_\_\_\_\_

SO SAY WE ALL. Please continue to the next section

**Racial Discrimination: 42 U.S.C. Section 1981 by Defendant FMC**

Question No. 1

Was Plaintiff denied a promotional opportunity or training, or was Plaintiff disciplined by the Defendant?

Yes \_\_\_\_\_ No \_\_\_\_\_

Question No. 2

Was the Plaintiff's race a substantial or motivating factor that prompted the Defendant to take that action?

Yes \_\_\_\_\_ No \_\_\_\_\_

Question No. 3

Should the Plaintiff be awarded damages to compensate for a net loss of wages and benefits to the date of trial?

Yes \_\_\_\_\_ No \_\_\_\_\_

If your answer is Yes, in what amount?

\$ \_\_\_\_\_

Question No. 4

Should the Plaintiff be awarded damages to compensate for emotional pain and mental anguish?

Yes \_\_\_\_\_ No \_\_\_\_\_

If your answer is Yes, in what amount?

\$ \_\_\_\_\_

Question No. 5

A. Did a higher management official of the Defendants act with malice or reckless indifference to the Plaintiff's federally protected rights?

Yes \_\_\_\_\_ No \_\_\_\_\_

B. If your answer is Yes, did the Defendant fail to act in a good faith attempt to comply with the law by adopting and complying with policies designed to prohibit such harassment in the workplace?

Yes \_\_\_\_\_ No \_\_\_\_\_

C. If your answer is Yes, what amount of punitive damages, if any, should be assessed against the Defendant?

\$ \_\_\_\_\_

SO SAY WE ALL. Please continue to the next section

**Race Discrimination: Texas Labor Code Section 21.051 by Defendant FMC**

Question No. 1

Was Plaintiff denied a promotional opportunity or training, or was Plaintiff disciplined by the Defendant?

Yes \_\_\_\_\_ No \_\_\_\_\_

Question No. 2

Was the Plaintiff's race a substantial or motivating factor that prompted Defendant FMC to take that action?

Yes \_\_\_\_\_ No \_\_\_\_\_

[If you answered No to either Question 1 or 2 you need not answer the remaining question in this section]

Question No. 3

Should the Plaintiff be awarded damages to compensate for a net loss of wages and benefits to the date of trial?

Yes \_\_\_\_\_ No \_\_\_\_\_

If your answer is yes, in what amount?

\$ \_\_\_\_\_

Question No. 4

Should the Plaintiff should be awarded damages to compensate for a net loss of wages and benefits in the future?

Yes \_\_\_\_\_ No \_\_\_\_\_

If your answer is yes, in what amount?

\$ \_\_\_\_\_

Question No. 5

Should the Plaintiff be awarded damages to compensate for emotional pain and mental anguish?

Yes \_\_\_\_\_ No \_\_\_\_\_



If your answer is yes, in what amount?

\$ \_\_\_\_\_

Question No. 6

A. Did a higher management official of the Defendants act with malice or reckless indifference to the Plaintiff's federally protected rights?

Yes \_\_\_\_\_ No \_\_\_\_\_

B. If your answer is Yes, did the Defendant fail to act in a good faith attempt to comply with the law by adopting and complying with policies designed to prohibit such harassment in the workplace?

Yes \_\_\_\_\_ No \_\_\_\_\_

C. If your answer is Yes, what amount of punitive damages, if any, should be assessed against the Defendant?

\$ \_\_\_\_\_

SO SAY WE ALL.

Please stop here and continue on to the next Plaintiff.

**Bryant et al. v. FMC Technologies et al**

**SPECIAL VERDICT FORM: PLAINTIFF CARLTON SYKES**

**Racial Harassment by Defendant FMC**

Question No. 1

Was Plaintiff subjected to a hostile or abusive work environment because of his race?

Yes \_\_\_\_\_ No \_\_\_\_\_

If you answered "Yes" to Question No. 1, then answer the following Question:

Question No. 2

Was such hostile or abusive work environment created or permitted by a supervisor with immediate or successively higher authority over plaintiff?

Yes \_\_\_\_\_ No \_\_\_\_\_

If you answered "Yes" to Questions No. 1 and 2, then answer the following Question:

Question No. 3

Did Plaintiff suffered damages as a proximate or legal result of such hostile or abusive work environment?

Yes \_\_\_\_\_ No \_\_\_\_\_

If you answered "Yes" to Questions No. 1, 2, and 3 then answer the following Question:

Question No. 4

A. Did Defendant exercise reasonable care to prevent and promptly correct any racially harassing behavior?

Yes \_\_\_\_\_ No \_\_\_\_\_

B. Did Plaintiff unreasonably fail to take advantage of any preventive or corrective opportunities provided by Defendant, or to avoid harm otherwise?

Yes \_\_\_\_\_ No \_\_\_\_\_

If you answered "No" both parts of question No.4, continue to question No. 5

Question No. 5

Should Plaintiff be awarded damages to compensate for a net loss of wages and benefits to the date of trial?

Yes \_\_\_\_\_ No \_\_\_\_\_

If your answer is yes, in what amount?

\$ \_\_\_\_\_

Question No. 6

Should Plaintiff be awarded damages to compensate for emotional pain and mental anguish?

Yes \_\_\_\_\_ No \_\_\_\_\_

If your answer is yes, in what amount?

\$ \_\_\_\_\_

Question No. 7

A. Did a higher management official of the Defendants act with malice or reckless indifference to the Plaintiff's federally protected rights?

Yes \_\_\_\_\_ No \_\_\_\_\_

B. If your answer is Yes, did the Defendant fail to act in a good faith attempt to comply with the law by adopting and complying with policies designed to prohibit such harassment in the workplace?

Yes \_\_\_\_\_ No \_\_\_\_\_

C. If your answer is Yes, what amount of punitive damages, if any, should be assessed against the Defendant?

\$ \_\_\_\_\_

SO SAY WE ALL. Please continue to the next section.

**Race Discrimination: Title VII by Defendant FMC**

Question No. 1

Was Plaintiff denied employment, a promotional opportunity or training, or was Plaintiff disciplined by the Defendant?

Yes \_\_\_\_\_ No \_\_\_\_\_

Question No. 2

Was the Plaintiff's race a substantial or motivating factor that prompted Defendant FMC to take that action?

Yes \_\_\_\_\_ No \_\_\_\_\_

[If you answered No to either Question 1 or 2 you need not answer the remaining question in this section]

Question No. 3

Should the Plaintiff be awarded damages to compensate for a net loss of wages and benefits to the date of trial?

Yes \_\_\_\_\_ No \_\_\_\_\_

If your answer is yes, in what amount?

\$ \_\_\_\_\_

Question No. 4

Should the Plaintiff be awarded damages to compensate for a net loss of wages and benefits in the future?

Yes \_\_\_\_\_ No \_\_\_\_\_

If your answer is yes, in what amount?

\$ \_\_\_\_\_

Question No. 5

Should the Plaintiff be awarded damages to compensate for emotional pain and mental anguish?

Yes \_\_\_\_\_ No \_\_\_\_\_

If your answer is yes, in what amount?

\$ \_\_\_\_\_

Question No. 6

- A. Did a higher management official of the Defendants act with malice or reckless indifference to the Plaintiff's federally protected rights?

Yes \_\_\_\_\_ No \_\_\_\_\_

- B. If your answer is Yes, did the Defendant fail to act in a good faith attempt to comply with the law by adopting and complying with policies designed to prohibit such harassment in the workplace?

Yes \_\_\_\_\_ No \_\_\_\_\_

- C. If your answer is Yes, what amount of punitive damages, if any, should be assessed against the Defendant?

\$ \_\_\_\_\_

SO SAY WE ALL. Please continue to the next section

**Racial Discrimination: 42 U.S.C. Section 1981 by Defendant FMC**

Question No. 1

Was Plaintiff denied employment, a promotional opportunity or training, or was Plaintiff disciplined by the Defendant?

Yes \_\_\_\_\_ No \_\_\_\_\_

Question No. 2

Was the Plaintiff's race a substantial or motivating factor that prompted the Defendant to take that action?

Yes \_\_\_\_\_ No \_\_\_\_\_

Question No. 3

Should the Plaintiff be awarded damages to compensate for a net loss of wages and benefits to the date of trial?

Yes \_\_\_\_\_ No \_\_\_\_\_

If your answer is Yes, in what amount?

\$ \_\_\_\_\_

Question No. 4

Should the Plaintiff be awarded damages to compensate for emotional pain and mental anguish?

Yes \_\_\_\_\_ No \_\_\_\_\_

If your answer is Yes, in what amount?

\$ \_\_\_\_\_

Question No. 5

A. Did a higher management official of the Defendants act with malice or reckless indifference to the Plaintiff's federally protected rights?

Yes \_\_\_\_\_ No \_\_\_\_\_

- B. If your answer is Yes, did the Defendant fail to act in a good faith attempt to comply with the law by adopting and complying with policies designed to prohibit such harassment in the workplace?

Yes \_\_\_\_\_ No \_\_\_\_\_

- C. If your answer is Yes, what amount of punitive damages, if any, should be assessed against the Defendant?

\$ \_\_\_\_\_

SO SAY WE ALL. Please continue to the next section

**Race Discrimination: Texas Labor Code Section 21.051 by Defendant FMC**

Question No. 1

Was Plaintiff denied employment, a promotional opportunity or training, or was Plaintiff disciplined by the Defendant?

Yes \_\_\_\_\_ No \_\_\_\_\_

Question No. 2

Was the Plaintiff's race a substantial or motivating factor that prompted Defendant FMC to take that action?

Yes \_\_\_\_\_ No \_\_\_\_\_

[If you answered No to either Question 1 or 2 you need not answer the remaining question in this section]

Question No. 3

Should the Plaintiff be awarded damages to compensate for a net loss of wages and benefits to the date of trial?

Yes \_\_\_\_\_ No \_\_\_\_\_

If your answer is yes, in what amount?

\$ \_\_\_\_\_

Question No. 4

Should the Plaintiff be awarded damages to compensate for a net loss of wages and benefits in the future?

Yes \_\_\_\_\_ No \_\_\_\_\_

If your answer is yes, in what amount?

\$ \_\_\_\_\_

Question No. 5

Should the Plaintiff be awarded damages to compensate for emotional pain and mental anguish?

Yes \_\_\_\_\_ No \_\_\_\_\_

If your answer is yes, in what amount?

\$ \_\_\_\_\_

Question No. 6

A. Did a higher management official of the Defendants act with malice or reckless indifference to the Plaintiff's federally protected rights?

Yes \_\_\_\_\_ No \_\_\_\_\_

B. If your answer is Yes, did the Defendant fail to act in a good faith attempt to comply with the law by adopting and complying with policies designed to prohibit such harassment in the workplace?

Yes \_\_\_\_\_ No \_\_\_\_\_

C. If your answer is Yes, what amount of punitive damages, if any, should be assessed against the Defendant?

\$ \_\_\_\_\_

SO SAY WE ALL. Please continue on to the next section.



**Racial Harassment by Defendant Prostaff**

Question No. 1

Was Plaintiff subjected to a hostile or abusive work environment because of his race?

Yes \_\_\_\_\_ No \_\_\_\_\_

If you answered "Yes" to Question No. 1, then answer the following Question:

Question No. 2

Was such hostile or abusive work environment created or permitted by a supervisor with immediate or successively higher authority over plaintiff?

Yes \_\_\_\_\_ No \_\_\_\_\_

If you answered "Yes" to Questions No. 1 and 2, then answer the following Question:

Question No. 3

Did Plaintiff suffered damages as a proximate or legal result of such hostile or abusive work environment?

Yes \_\_\_\_\_ No \_\_\_\_\_

If you answered "Yes" to Questions No. 1, 2, and 3 then answer the following Question:

Question No. 4

A. Did Defendant exercise reasonable care to prevent and promptly correct any racially harassing behavior?

Yes \_\_\_\_\_ No \_\_\_\_\_

B. Did Plaintiff unreasonably fail to take advantage of any preventive or corrective opportunities provided by Defendant, or to avoid harm otherwise?

Yes \_\_\_\_\_ No \_\_\_\_\_

If you answered "No" both parts of question No.4, continue to question No. 5

Question No. 5

Should Plaintiff be awarded damages to compensate for a net loss of wages and benefits to the date of trial?

Yes \_\_\_\_\_ No \_\_\_\_\_

If your answer is yes, in what amount?

\$ \_\_\_\_\_

Question No. 6

Should Plaintiff be awarded damages to compensate for emotional pain and mental anguish?

Yes \_\_\_\_\_ No \_\_\_\_\_

If your answer is yes, in what amount?

\$ \_\_\_\_\_

Question No. 7

A. Did a higher management official of the Defendants act with malice or reckless indifference to the Plaintiff's federally protected rights?

Yes \_\_\_\_\_ No \_\_\_\_\_

B. If your answer is Yes, did the Defendant fail to act in a good faith attempt to comply with the law by adopting and complying with policies designed to prohibit such harassment in the workplace?

Yes \_\_\_\_\_ No \_\_\_\_\_

C. If your answer is Yes, what amount of punitive damages, if any, should be assessed against the Defendant?

\$ \_\_\_\_\_

SO SAY WE ALL. Please continue to the next section.

**Race Discrimination: Title VII by Defendant Prostaff**

Question No. 1

Was Plaintiff denied employment, a promotional opportunity or training, or was Plaintiff disciplined by the Defendant?

Yes \_\_\_\_\_ No \_\_\_\_\_

Question No. 2

Was the Plaintiff's race a substantial or motivating factor that prompted Defendant FMC to take that action?

Yes \_\_\_\_\_ No \_\_\_\_\_

[If you answered No to either Question 1 or 2 you need not answer the remaining question in this section]

Question No. 3

Should the Plaintiff be awarded damages to compensate for a net loss of wages and benefits to the date of trial?

Yes \_\_\_\_\_ No \_\_\_\_\_

If your answer is yes, in what amount?

\$ \_\_\_\_\_

Question No. 4

Should the Plaintiff be awarded damages to compensate for a net loss of wages and benefits in the future?

Yes \_\_\_\_\_ No \_\_\_\_\_

If your answer is yes, in what amount?

\$ \_\_\_\_\_

Question No. 5

Should the Plaintiff be awarded damages to compensate for emotional pain and mental anguish?

Yes \_\_\_\_\_ No \_\_\_\_\_

If your answer is yes, in what amount?

\$ \_\_\_\_\_

Question No. 6

D. Did a higher management official of the Defendants act with malice or reckless indifference to the Plaintiff's federally protected rights?

Yes \_\_\_\_\_ No \_\_\_\_\_

E. If your answer is Yes, did the Defendant fail to act in a good faith attempt to comply with the law by adopting and complying with policies designed to prohibit such harassment in the workplace?

Yes \_\_\_\_\_ No \_\_\_\_\_

F. If your answer is Yes, what amount of punitive damages, if any, should be assessed against the Defendant?

\$ \_\_\_\_\_

SO SAY WE ALL. Please continue to the next section

**Racial Discrimination: 42 U.S.C. Section 1981 by Defendant Prostaff**

Do you find from a preponderance of the evidence:

Question No. 1

Was Plaintiff denied employment, a promotional opportunity or training, or was Plaintiff disciplined by the Defendant?

Yes \_\_\_\_\_ No \_\_\_\_\_

Question No. 2

Was the Plaintiff's race a substantial or motivating factor that prompted the Defendant to take that action?

Yes \_\_\_\_\_ No \_\_\_\_\_

Question No. 3

Should the Plaintiff be awarded damages to compensate for a net loss of wages and benefits to the date of trial?

Yes \_\_\_\_\_ No \_\_\_\_\_

If your answer is Yes, in what amount?

\$ \_\_\_\_\_

Question No. 4

Should the Plaintiff be awarded damages to compensate for emotional pain and mental anguish?

Yes \_\_\_\_\_ No \_\_\_\_\_

If your answer is Yes, in what amount?

\$ \_\_\_\_\_

Question No. 5

D. Did a higher management official of the Defendants act with malice or reckless indifference to the Plaintiff's federally protected rights?

Yes \_\_\_\_\_ No \_\_\_\_\_

E. If your answer is Yes, did the Defendant fail to act in a good faith attempt to comply with the law by adopting and complying with policies designed to prohibit such harassment in the workplace?

Yes \_\_\_\_\_ No \_\_\_\_\_

F. If your answer is Yes, what amount of punitive damages, if any, should be assessed against the Defendant?

\$ \_\_\_\_\_

SO SAY WE ALL. Please continue to the next section

**Race Discrimination: Texas Labor Code Section 21.051 by Defendant Prostaff**

Question No. 1

Was Plaintiff denied employment, a promotional opportunity or training, or was Plaintiff disciplined by the Defendant?

Yes \_\_\_\_\_ No \_\_\_\_\_

Question No. 2

Was the Plaintiff's race a substantial or motivating factor that prompted Defendant FMC to take that action?

Yes \_\_\_\_\_ No \_\_\_\_\_

[If you answered No to either Question 1 or 2 you need not answer the remaining question in this section]

Question No. 3

Should the Plaintiff be awarded damages to compensate for a net loss of wages and benefits to the date of trial?

Yes \_\_\_\_\_ No \_\_\_\_\_

If your answer is yes, in what amount?

\$ \_\_\_\_\_

Question No. 4

Should the Plaintiff be awarded damages to compensate for a net loss of wages and benefits in the future?

Yes \_\_\_\_\_ No \_\_\_\_\_

If your answer is yes, in what amount?

\$ \_\_\_\_\_

Question No. 5

Should the Plaintiff be awarded damages to compensate for emotional pain and mental anguish?

Yes \_\_\_\_\_ No \_\_\_\_\_

If your answer is yes, in what amount?

\$ \_\_\_\_\_

Question No. 6

D. Did a higher management official of the Defendants act with malice or reckless indifference to the Plaintiff's federally protected rights?

Yes \_\_\_\_\_ No \_\_\_\_\_

E. If your answer is Yes, did the Defendant fail to act in a good faith attempt to comply with the law by adopting and complying with policies designed to prohibit such harassment in the workplace?

Yes \_\_\_\_\_ No \_\_\_\_\_

F. If your answer is Yes, what amount of punitive damages, if any, should be assessed against the Defendant?

\$ \_\_\_\_\_

SO SAY WE ALL. Please continue on to the next Plaintiff.

**Bryant et al. v. FMC Technologies et al**

**SPECIAL VERDICT FORM: PLAINTIFF MARCUS PAREJO**

**Racial Harassment by Defendant FMC**

Question No. 1

Was Plaintiff subjected to a hostile or abusive work environment because of his race?

Yes \_\_\_\_\_ No \_\_\_\_\_

If you answered "Yes" to Question No. 1, then answer the following Question:

Question No. 2

Was such hostile or abusive work environment created or permitted by a supervisor with immediate or successively higher authority over plaintiff?

Yes \_\_\_\_\_ No \_\_\_\_\_

If you answered "Yes" to Questions No. 1 and 2, then answer the following Question:

Question No. 3

Did Plaintiff suffered damages as a proximate or legal result of such hostile or abusive work environment?

Yes \_\_\_\_\_ No \_\_\_\_\_

If you answered "Yes" to Questions No. 1, 2, and 3 then answer the following Question:

Question No. 4

A. Did Defendant exercise reasonable care to prevent and promptly correct any racially harassing behavior?

Yes \_\_\_\_\_ No \_\_\_\_\_

B. Did Plaintiff unreasonably fail to take advantage of any preventive or corrective opportunities provided by Defendant, or to avoid harm otherwise?

Yes \_\_\_\_\_ No \_\_\_\_\_

If you answered "No" both parts of question No.4, continue to question No. 5



Question No. 5

Should Plaintiff be awarded damages to compensate for a net loss of wages and benefits to the date of trial?

Yes \_\_\_\_\_ No \_\_\_\_\_

If your answer is yes, in what amount?

\$ \_\_\_\_\_

Question No. 6

Should Plaintiff be awarded damages to compensate for emotional pain and mental anguish?

Yes \_\_\_\_\_ No \_\_\_\_\_

If your answer is yes, in what amount?

\$ \_\_\_\_\_

Question No. 7

A. Did a higher management official of the Defendants act with malice or reckless indifference to the Plaintiff's federally protected rights?

Yes \_\_\_\_\_ No \_\_\_\_\_

B. If your answer is Yes, did the Defendant fail to act in a good faith attempt to comply with the law by adopting policies and procedures designed to prohibit such harassment in the workplace?

Yes \_\_\_\_\_ No \_\_\_\_\_

C. If your answer is Yes, what amount of punitive damages, if any, should be assessed against the Defendant?

\$ \_\_\_\_\_

SO SAY WE ALL. Please continue to the next section.

**Race Discrimination: Title VII by Defendant FMC**

Question No. 1

Was Plaintiff denied employment, a promotional opportunity or training, or was Plaintiff disciplined by the Defendant?

Yes \_\_\_\_\_ No \_\_\_\_\_

Question No. 2

Was the Plaintiff's race a substantial or motivating factor that prompted Defendant FMC to take that action?

Yes \_\_\_\_\_ No \_\_\_\_\_

[If you answered No to either Question 1 or 2 you need not answer the remaining question in this section]

Question No. 3

Should the Plaintiff be awarded damages to compensate for a net loss of wages and benefits to the date of trial?

Yes \_\_\_\_\_ No \_\_\_\_\_

If your answer is yes, in what amount?

\$ \_\_\_\_\_

Question No. 4

Should the Plaintiff be awarded damages to compensate for a net loss of wages and benefits in the future?

Yes \_\_\_\_\_ No \_\_\_\_\_

If your answer is yes, in what amount?

\$ \_\_\_\_\_

Question No. 5

Should the Plaintiff be awarded damages to compensate for emotional pain and mental anguish?

Yes \_\_\_\_\_ No \_\_\_\_\_

If your answer is yes, in what amount?

\$ \_\_\_\_\_

Question No. 6

A. Did a higher management official of the Defendants act with malice or reckless indifference to the Plaintiff's federally protected rights?

Yes \_\_\_\_\_ No \_\_\_\_\_

B. If your answer is Yes, did the Defendant fail to act in a good faith attempt to comply with the law by adopting and complying with policies designed to prohibit such harassment in the workplace?

Yes \_\_\_\_\_ No \_\_\_\_\_

C. If your answer is Yes, what amount of punitive damages, if any, should be assessed against the Defendant?

\$ \_\_\_\_\_

SO SAY WE ALL. Please continue to the next section

**National Origin Discrimination: Title VII by Defendant FMC**

Question No. 1

Was Plaintiff denied employment, a promotional opportunity or training, or was Plaintiff disciplined by the Defendant?

Yes \_\_\_\_\_ No \_\_\_\_\_

Question No. 2

Was the Plaintiff's national origin a substantial or motivating factor that prompted Defendant FMC to take that action?

Yes \_\_\_\_\_ No \_\_\_\_\_

[If you answered No to either Question 1 or 2 you need not answer the remaining question in this section]

Question No. 3

Should the Plaintiff be awarded damages to compensate for a net loss of wages and benefits to the date of trial?

Yes \_\_\_\_\_ No \_\_\_\_\_

If your answer is yes, in what amount?

\$ \_\_\_\_\_

Question No. 4

Should the Plaintiff be awarded damages to compensate for a net loss of wages and benefits in the future?

Yes \_\_\_\_\_ No \_\_\_\_\_

If your answer is yes, in what amount?

\$ \_\_\_\_\_

Question No. 5

Should the Plaintiff be awarded damages to compensate for emotional pain and mental anguish?

Yes \_\_\_\_\_ No \_\_\_\_\_

If your answer is yes, in what amount?

\$ \_\_\_\_\_

Question No. 6

A. Did a higher management official of the Defendants act with malice or reckless indifference to the Plaintiff's federally protected rights?

Yes \_\_\_\_\_ No \_\_\_\_\_

B. If your answer is Yes, did the Defendant fail to act in a good faith attempt to comply with the law by adopting and complying with policies designed to prohibit such harassment in the workplace?

Yes \_\_\_\_\_ No \_\_\_\_\_

C. If your answer is Yes, what amount of punitive damages, if any, should be assessed against the Defendant?

\$ \_\_\_\_\_

SO SAY WE ALL. Please continue to the next section

**Racial Discrimination: 42 U.S.C. Section 1981 by Defendant FMC**

Question No. 1

Was Plaintiff denied employment, a promotional opportunity or training, or was Plaintiff disciplined by the Defendant?

Yes \_\_\_\_\_ No \_\_\_\_\_

Question No. 2

Was the Plaintiff's race a substantial or motivating factor that prompted the Defendant to take that action?

Yes \_\_\_\_\_ No \_\_\_\_\_

Question No. 3

Should the Plaintiff be awarded damages to compensate for a net loss of wages and benefits to the date of trial?

Yes \_\_\_\_\_ No \_\_\_\_\_

If your answer is Yes, in what amount?

\$ \_\_\_\_\_

Question No. 4

Should the Plaintiff be awarded damages to compensate for emotional pain and mental anguish?

Yes \_\_\_\_\_ No \_\_\_\_\_

If your answer is Yes, in what amount?

\$ \_\_\_\_\_

Question No. 5

- A. Did a higher management official of the Defendants act with malice or reckless indifference to the Plaintiff's federally protected rights?

Yes \_\_\_\_\_ No \_\_\_\_\_

- B. If your answer is Yes, did the Defendant fail to act in a good faith attempt to comply with the law by adopting and complying with policies designed to prohibit such harassment in the workplace?

Yes \_\_\_\_\_ No \_\_\_\_\_

- C. If your answer is Yes, what amount of punitive damages, if any, should be assessed against the Defendant?

\$ \_\_\_\_\_

SO SAY WE ALL. Please continue to the next section

**Race Discrimination: Texas Labor Code Section 21.051 by Defendant FMC**

Question No. 1

Was Plaintiff denied employment, a promotional opportunity or training, or was Plaintiff disciplined by the Defendant?

Yes \_\_\_\_\_ No \_\_\_\_\_

Question No. 2

Was the Plaintiff's race a substantial or motivating factor that prompted Defendant FMC to take that action?

Yes \_\_\_\_\_ No \_\_\_\_\_

[If you answered No to either Question 1 or 2 you need not answer the remaining question in this section]

Question No. 3

Should the Plaintiff be awarded damages to compensate for a net loss of wages and benefits to the date of trial?

Yes \_\_\_\_\_ No \_\_\_\_\_

If your answer is yes, in what amount?

\$ \_\_\_\_\_

Question No. 4

Should the Plaintiff be awarded damages to compensate for a net loss of wages and benefits in the future?

Yes \_\_\_\_\_ No \_\_\_\_\_

If your answer is yes, in what amount?

\$ \_\_\_\_\_

Question No. 5

Should the Plaintiff awarded damages to compensate for emotional pain and mental anguish?

Yes \_\_\_\_\_ No \_\_\_\_\_

If your answer is yes, in what amount?

\$ \_\_\_\_\_

Question No. 6

A. Did a higher management official of the Defendants act with malice or reckless indifference to the Plaintiff's federally protected rights?

Yes \_\_\_\_\_ No \_\_\_\_\_

B. If your answer is Yes, did the Defendant fail to act in a good faith attempt to comply with the law by adopting and complying with policies designed to prohibit such harassment in the workplace?

Yes \_\_\_\_\_ No \_\_\_\_\_

- C. If your answer is Yes, what amount of punitive damages, if any, should be assessed against the Defendant?

\$ \_\_\_\_\_

SO SAY WE ALL. Please continue on to the next section.

**Racial Harassment by Defendant Prostaff**

Question No. 1

Was Plaintiff subjected to a hostile or abusive work environment because of his race?

Yes \_\_\_\_\_ No \_\_\_\_\_

If you answered "Yes" to Question No. 1, then answer the following Question:

Question No. 2

Was such hostile or abusive work environment created or permitted by a supervisor with immediate or successively higher authority over plaintiff?

Yes \_\_\_\_\_ No \_\_\_\_\_

If you answered "Yes" to Questions No. 1 and 2, then answer the following Question:

Question No. 3

Did Plaintiff suffered damages as a proximate or legal result of such hostile or abusive work environment?

Yes \_\_\_\_\_ No \_\_\_\_\_

If you answered "Yes" to Questions No. 1, 2, and 3 then answer the following Question:

Question No. 4

A. Did Defendant exercise reasonable care to prevent and promptly correct any racially harassing behavior?

Yes \_\_\_\_\_ No \_\_\_\_\_



B. Did Plaintiff unreasonably fail to take advantage of any preventive or corrective opportunities provided by Defendant, or to avoid harm otherwise?

Yes \_\_\_\_\_ No \_\_\_\_\_

If you answered "No" both parts of question No.4, continue to question No. 5

Question No. 5

Should Plaintiff be awarded damages to compensate for a net loss of wages and benefits to the date of trial?

Yes \_\_\_\_\_ No \_\_\_\_\_

If your answer is yes, in what amount?

\$ \_\_\_\_\_

Question No. 6

Should Plaintiff be awarded damages to compensate for emotional pain and mental anguish?

Yes \_\_\_\_\_ No \_\_\_\_\_

If your answer is yes, in what amount?

\$ \_\_\_\_\_

Question No. 7

A. Did a higher management official of the Defendants act with malice or reckless indifference to the Plaintiff's federally protected rights?

Yes \_\_\_\_\_ No \_\_\_\_\_

B. If your answer is Yes, did the Defendant fail to act in a good faith attempt to comply with the law by adopting and complying with policies designed to prohibit such harassment in the workplace?

Yes \_\_\_\_\_ No \_\_\_\_\_

C. If your answer is Yes, what amount of punitive damages, if any, should be assessed against the Defendant?

\$ \_\_\_\_\_

SO SAY WE ALL. Please continue to the next section.

**Race Discrimination: Title VII by Defendant Prostaff**

Question No. 1

Was Plaintiff denied employment, a promotional opportunity or training, or was Plaintiff disciplined by the Defendant?

Yes \_\_\_\_\_ No \_\_\_\_\_

Question No. 2

Was the Plaintiff's race a substantial or motivating factor that prompted Defendant FMC to take that action?

Yes \_\_\_\_\_ No \_\_\_\_\_

[If you answered No to either Question 1 or 2 you need not answer the remaining question in this section]

Question No. 3

Should the Plaintiff be awarded damages to compensate for a net loss of wages and benefits to the date of trial?

Yes \_\_\_\_\_ No \_\_\_\_\_

If your answer is yes, in what amount?

\$ \_\_\_\_\_

Question No. 4

Should the Plaintiff be awarded damages to compensate for a net loss of wages and benefits in the future?

Yes \_\_\_\_\_ No \_\_\_\_\_

If your answer is yes, in what amount?

\$ \_\_\_\_\_

Question No. 5

Should the Plaintiff be awarded damages to compensate for emotional pain and mental anguish?

Yes \_\_\_\_\_ No \_\_\_\_\_

If your answer is yes, in what amount?

\$ \_\_\_\_\_

Question No. 6

D. Did a higher management official of the Defendants act with malice or reckless indifference to the Plaintiff's federally protected rights?

Yes \_\_\_\_\_ No \_\_\_\_\_

E. If your answer is Yes, did the Defendant fail to act in a good faith attempt to comply with the law by adopting and complying with policies designed to prohibit such harassment in the workplace?

Yes \_\_\_\_\_ No \_\_\_\_\_

F. If your answer is Yes, what amount of punitive damages, if any, should be assessed against the Defendant?

\$ \_\_\_\_\_

SO SAY WE ALL. Please continue to the next section

**National Origin Discrimination: Title VII by Defendant Prostaff**

Question No. 1

Was Plaintiff denied employment, a promotional opportunity or training, or was Plaintiff disciplined by the Defendant?

Yes \_\_\_\_\_ No \_\_\_\_\_

Question No. 2

Was the Plaintiff's national origin a substantial or motivating factor that prompted Defendant FMC to take that action?

Yes \_\_\_\_\_ No \_\_\_\_\_

[If you answered No to either Question 1 or 2 you need not answer the remaining question in this section]

Question No. 3

Should the Plaintiff be awarded damages to compensate for a net loss of wages and benefits to the date of trial?

Yes \_\_\_\_\_ No \_\_\_\_\_

If your answer is yes, in what amount?

\$ \_\_\_\_\_

Question No. 4

Should the Plaintiff be awarded damages to compensate for a net loss of wages and benefits in the future?

Yes \_\_\_\_\_ No \_\_\_\_\_

If your answer is yes, in what amount?

\$ \_\_\_\_\_

Question No. 5

Should the Plaintiff be awarded damages to compensate for emotional pain and mental anguish?

Yes \_\_\_\_\_ No \_\_\_\_\_

If your answer is yes, in what amount?

\$ \_\_\_\_\_

Question No. 6

- A. Did a higher management official of the Defendants act with malice or reckless indifference to the Plaintiff's federally protected rights?

Yes \_\_\_\_\_ No \_\_\_\_\_

- B. If your answer is Yes, did the Defendant fail to act in a good faith attempt to comply with the law by adopting and complying with policies designed to prohibit such harassment in the workplace?

Yes \_\_\_\_\_ No \_\_\_\_\_

- C. If your answer is Yes, what amount of punitive damages, if any, should be assessed against the Defendant?

\$ \_\_\_\_\_

SO SAY WE ALL. Please continue to the next section

**Racial Discrimination: 42 U.S.C. Section 1981 by Defendant Prostaff**

Question No. 1

Was Plaintiff denied employment, a promotional opportunity or training, or was Plaintiff disciplined by the Defendant?

Yes \_\_\_\_\_ No \_\_\_\_\_

Question No. 2

Was the Plaintiff's race a substantial or motivating factor that prompted the Defendant to take that action?

Yes \_\_\_\_\_ No \_\_\_\_\_

Question No. 3

Should the Plaintiff be awarded damages to compensate for a net loss of wages and benefits to the date of trial?

Yes \_\_\_\_\_ No \_\_\_\_\_

If your answer is Yes, in what amount?

\$ \_\_\_\_\_

Question No. 4

Should the Plaintiff be awarded damages to compensate for emotional pain and mental anguish?

Yes \_\_\_\_\_ No \_\_\_\_\_

If your answer is Yes, in what amount?

\$ \_\_\_\_\_

Question No. 5

D. Did a higher management official of the Defendants act with malice or reckless indifference to the Plaintiff's federally protected rights?

Yes \_\_\_\_\_ No \_\_\_\_\_

E. If your answer is Yes, did the Defendant fail to act in a good faith attempt to comply with the law by adopting and complying with policies designed to prohibit such harassment in the workplace?

Yes \_\_\_\_\_ No \_\_\_\_\_

F. If your answer is Yes, what amount of punitive damages, if any, should be assessed against the Defendant?

\$ \_\_\_\_\_

SO SAY WE ALL. Please continue to the next section

**Race Discrimination: Texas Labor Code Section 21.051 by Defendant Prostaff**

Question No. 1

Was Plaintiff denied employment, a promotional opportunity or training, or was Plaintiff disciplined by the Defendant?

Yes \_\_\_\_\_ No \_\_\_\_\_

Question No. 2

Was the Plaintiff's race a substantial or motivating factor that prompted Defendant FMC to take that action?

Yes \_\_\_\_\_ No \_\_\_\_\_

[If you answered No to either Question 1 or 2 you need not answer the remaining question in this section]

Question No. 3

Should the Plaintiff be awarded damages to compensate for a net loss of wages and benefits to the date of trial?

Yes \_\_\_\_\_ No \_\_\_\_\_

If your answer is yes, in what amount?

\$ \_\_\_\_\_

Question No. 4

Should the Plaintiff be awarded damages to compensate for a net loss of wages and benefits in the future?

Yes \_\_\_\_\_ No \_\_\_\_\_

If your answer is yes, in what amount?

\$ \_\_\_\_\_

Question No. 5

Should the Plaintiff be awarded damages to compensate for emotional pain and mental anguish?

Yes \_\_\_\_\_ No \_\_\_\_\_

If your answer is yes, in what amount?

\$ \_\_\_\_\_

Question No. 6

D. Did a higher management official of the Defendants act with malice or reckless indifference to the Plaintiff's federally protected rights?

Yes \_\_\_\_\_ No \_\_\_\_\_

E. If your answer is Yes, did the Defendant fail to act in a good faith attempt to comply with the law by adopting and complying with policies designed to prohibit such harassment in the workplace?

Yes \_\_\_\_\_ No \_\_\_\_\_

F. If your answer is Yes, what amount of punitive damages, if any, should be assessed against the Defendant?

\$ \_\_\_\_\_

SO SAY WE ALL. Please continue on to the next Plaintiff.



**Bryant et al. v. FMC Technologies et al**

**SPECIAL VERDICT FORM: PLAINTIFF KEVIN MCINTYRE**

**Racial Harassment by Defendant FMC**

**Question No. 1**

Was Plaintiff subjected to a hostile or abusive work environment because of his race?

Yes \_\_\_\_\_ No \_\_\_\_\_

If you answered "Yes" to Question No. 1, then answer the following Question:

**Question No. 2**

Was such hostile or abusive work environment created or permitted by a supervisor with immediate or successively higher authority over plaintiff?

Yes \_\_\_\_\_ No \_\_\_\_\_

If you answered "Yes" to Questions No. 1 and 2, then answer the following Question:

**Question No. 3**

Did Plaintiff suffered damages as a proximate or legal result of such hostile or abusive work environment?

Yes \_\_\_\_\_ No \_\_\_\_\_

If you answered "Yes" to Questions No. 1, 2, and 3 then answer the following Question:

**Question No. 4**

A. Did Defendant exercise reasonable care to prevent and promptly correct any racially harassing behavior?

Yes \_\_\_\_\_ No \_\_\_\_\_

B. Did Plaintiff unreasonably fail to take advantage of any preventive or corrective opportunities provided by Defendant, or to avoid harm otherwise?

Yes \_\_\_\_\_ No \_\_\_\_\_

If you answered "No" both parts of question No.4, continue to question No. 5

Question No. 5

Should Plaintiff be awarded damages to compensate for a net loss of wages and benefits to the date of trial?

Yes \_\_\_\_\_ No \_\_\_\_\_

If your answer is yes, in what amount?

\$ \_\_\_\_\_

Question No. 6

Should Plaintiff be awarded damages to compensate for emotional pain and mental anguish?

Yes \_\_\_\_\_ No \_\_\_\_\_

If your answer is yes, in what amount?

\$ \_\_\_\_\_

Question No. 7

A. Did a higher management official of the Defendants act with malice or reckless indifference to the Plaintiff's federally protected rights?

Yes \_\_\_\_\_ No \_\_\_\_\_

B. If your answer is Yes, did the Defendant fail to act in a good faith attempt to comply with the law by adopting and complying with policies designed to prohibit such harassment in the workplace?

Yes \_\_\_\_\_ No \_\_\_\_\_

C. If your answer is Yes, what amount of punitive damages, if any, should be assessed against the Defendant?

\$ \_\_\_\_\_

SO SAY WE ALL. Please continue to the next section.

**Racial Discrimination: 42 U.S.C. Section 1981 by Defendant FMC**

Question No. 1

Was Plaintiff denied employment, a promotional opportunity or training, or was Plaintiff disciplined by the Defendant?

Yes \_\_\_\_\_ No \_\_\_\_\_

Question No. 2

Was the Plaintiff's race a substantial or motivating factor that prompted the Defendant to take that action?

Yes \_\_\_\_\_ No \_\_\_\_\_

Question No. 3

Should the Plaintiff be awarded damages to compensate for a net loss of wages and benefits to the date of trial?

Yes \_\_\_\_\_ No \_\_\_\_\_

If your answer is Yes, in what amount?

\$ \_\_\_\_\_

Question No. 4

Should the Plaintiff be awarded damages to compensate for emotional pain and mental anguish?

Yes \_\_\_\_\_ No \_\_\_\_\_

If your answer is Yes, in what amount?

\$ \_\_\_\_\_

Question No. 5

A. Did a higher management official of the Defendants act with malice or reckless indifference to the Plaintiff's federally protected rights?

Yes \_\_\_\_\_ No \_\_\_\_\_

- B. If your answer is Yes, did the Defendant fail to act in a good faith attempt to comply with the law by adopting and complying with policies designed to prohibit such harassment in the workplace?

Yes \_\_\_\_\_ No \_\_\_\_\_

- C. If your answer is Yes, what amount of punitive damages, if any, should be assessed against the Defendant?

\$ \_\_\_\_\_

SO SAY WE ALL. Please continue to the next section

**Racial Harassment by Defendant Prostaff**

Question No. 1

Was Plaintiff subjected to a hostile or abusive work environment because of his race?

Yes \_\_\_\_\_ No \_\_\_\_\_

If you answered "Yes" to Question No. 1, then answer the following Question:

Question No. 2

Was such hostile or abusive work environment created or permitted by a supervisor with immediate or successively higher authority over plaintiff?

Yes \_\_\_\_\_ No \_\_\_\_\_

If you answered "Yes" to Questions No. 1 and 2, then answer the following Question:

Question No. 3

Did Plaintiff suffered damages as a proximate or legal result of such hostile or abusive work environment?

Yes \_\_\_\_\_ No \_\_\_\_\_

If you answered "Yes" to Questions No. 1, 2, and 3 then answer the following Question:

Question No. 4

A. Did Defendant exercise reasonable care to prevent and promptly correct any racially harassing behavior?

Yes \_\_\_\_\_ No \_\_\_\_\_

B. Did Plaintiff unreasonably fail to take advantage of any preventive or corrective opportunities provided by Defendant, or to avoid harm otherwise?

Yes \_\_\_\_\_ No \_\_\_\_\_

If you answered "No" both parts of question No.4, continue to question No. 5

Question No. 5

Should Plaintiff be awarded damages to compensate for a net loss of wages and benefits to the date of trial?

Yes \_\_\_\_\_ No \_\_\_\_\_

If your answer is yes, in what amount?

\$ \_\_\_\_\_

Question No. 6

Should Plaintiff be awarded damages to compensate for emotional pain and mental anguish?

Yes \_\_\_\_\_ No \_\_\_\_\_

If your answer is yes, in what amount?

\$ \_\_\_\_\_

Question No. 7

A. Did a higher management official of the Defendants act with malice or reckless indifference to the Plaintiff's federally protected rights?

Yes \_\_\_\_\_ No \_\_\_\_\_

B. If your answer is Yes, did the Defendant fail to act in a good faith attempt to comply with the law by adopting and complying with policies designed to prohibit such harassment in the workplace?

Yes \_\_\_\_\_ No \_\_\_\_\_

C. If your answer is Yes, what amount of punitive damages, if any, should be assessed against the Defendant?

\$ \_\_\_\_\_

SO SAY WE ALL. Please continue to the next section.

**Racial Discrimination: 42 U.S.C. Section 1981 by Defendant Prostaff**

Question No. 1

Was Plaintiff denied employment, a promotional opportunity or training, or was Plaintiff disciplined by the Defendant?

Yes \_\_\_\_\_ No \_\_\_\_\_

Question No. 2

Was the Plaintiff's race a substantial or motivating factor that prompted the Defendant to take that action?

Yes \_\_\_\_\_ No \_\_\_\_\_

Question No. 3

Should the Plaintiff be awarded damages to compensate for a net loss of wages and benefits to the date of trial?

Yes \_\_\_\_\_ No \_\_\_\_\_

If your answer is Yes, in what amount?

\$ \_\_\_\_\_

Question No. 4

Should the Plaintiff be awarded damages to compensate for emotional pain and mental anguish?

Yes \_\_\_\_\_ No \_\_\_\_\_

If your answer is Yes, in what amount?

\$ \_\_\_\_\_

Question No. 5

D. Did a higher management official of the Defendants act with malice or reckless indifference to the Plaintiff's federally protected rights?

Yes \_\_\_\_\_ No \_\_\_\_\_

E. If your answer is Yes, did the Defendant fail to act in a good faith attempt to comply with the law by adopting and complying with policies designed to prohibit such harassment in the workplace?

Yes \_\_\_\_\_ No \_\_\_\_\_

F. If your answer is Yes, what amount of punitive damages, if any, should be assessed against the Defendant?

\$ \_\_\_\_\_

SO SAY WE ALL. Please continue to the next Plaintiff

**Bryant et al. v. FMC Technologies et al**

**SPECIAL VERDICT FORM: PLAINTIFF LAWRENCE GRICE**

**Racial Harassment by Defendant FMC**

**Question No. 1**

Was Plaintiff subjected to a hostile or abusive work environment because of his race?

Yes \_\_\_\_\_ No \_\_\_\_\_

If you answered "Yes" to Question No. 1, then answer the following Question:

**Question No. 2**

Was such hostile or abusive work environment created or permitted by a supervisor with immediate or successively higher authority over plaintiff?

Yes \_\_\_\_\_ No \_\_\_\_\_

If you answered "Yes" to Questions No. 1 and 2, then answer the following Question:

**Question No. 3**

Did Plaintiff suffered damages as a proximate or legal result of such hostile or abusive work environment?

Yes \_\_\_\_\_ No \_\_\_\_\_

If you answered "Yes" to Questions No. 1, 2, and 3 then answer the following Question:

**Question No. 4**

A. Did Defendant exercise reasonable care to prevent and promptly correct any racially harassing behavior?

Yes \_\_\_\_\_ No \_\_\_\_\_

B. Did Plaintiff unreasonably fail to take advantage of any preventive or corrective opportunities provided by Defendant, or to avoid harm otherwise?

Yes \_\_\_\_\_ No \_\_\_\_\_

If you answered "No" both parts of question No.4, continue to question No. 5



Question No. 5

Should Plaintiff be awarded damages to compensate for a net loss of wages and benefits to the date of trial?

Yes \_\_\_\_\_ No \_\_\_\_\_

If your answer is yes, in what amount?

\$ \_\_\_\_\_

Question No. 6

Should Plaintiff be awarded damages to compensate for emotional pain and mental anguish?

Yes \_\_\_\_\_ No \_\_\_\_\_

If your answer is yes, in what amount?

\$ \_\_\_\_\_

Question No. 7

A. Did a higher management official of the Defendants act with malice or reckless indifference to the Plaintiff's federally protected rights?

Yes \_\_\_\_\_ No \_\_\_\_\_

B. If your answer is Yes, did the Defendant fail to act in a good faith attempt to comply with the law by adopting and complying with policies designed to prohibit such harassment in the workplace?

Yes \_\_\_\_\_ No \_\_\_\_\_

C. If your answer is Yes, what amount of punitive damages, if any, should be assessed against the Defendant?

\$ \_\_\_\_\_

SO SAY WE ALL. Please continue to the next section.

**Race Discrimination: Title VII by Defendant FMC**

Question No. 1

Was Plaintiff denied a promotional opportunity or training, or was Plaintiff disciplined by the Defendant?

Yes \_\_\_\_\_ No \_\_\_\_\_

Question No. 2

Was the Plaintiff's race a substantial or motivating factor that prompted Defendant FMC to take that action?

Yes \_\_\_\_\_ No \_\_\_\_\_

[If you answered No to either Question 1 or 2 you need not answer the remaining question in this section]

Question No. 3

Should the Plaintiff be awarded damages to compensate for a net loss of wages and benefits to the date of trial?

Yes \_\_\_\_\_ No \_\_\_\_\_

If your answer is yes, in what amount?

\$ \_\_\_\_\_

Question No. 4

Should the Plaintiff be awarded damages to compensate for a net loss of wages and benefits in the future?

Yes \_\_\_\_\_ No \_\_\_\_\_

If your answer is yes, in what amount?

\$ \_\_\_\_\_

Question No. 5

Should the Plaintiff be awarded damages to compensate for emotional pain and mental anguish?

Yes \_\_\_\_\_ No \_\_\_\_\_

If your answer is yes, in what amount?

\$ \_\_\_\_\_

Question No. 6

A. Did a higher management official of the Defendants act with malice or reckless indifference to the Plaintiff's federally protected rights?

Yes \_\_\_\_\_ No \_\_\_\_\_

B. If your answer is Yes, did the Defendant fail to act in a good faith attempt to comply with the law by adopting and complying with policies designed to prohibit such harassment in the workplace?

Yes \_\_\_\_\_ No \_\_\_\_\_

C. If your answer is Yes, what amount of punitive damages, if any, should be assessed against the Defendant?

\$ \_\_\_\_\_

SO SAY WE ALL. Please continue to the next section

**Racial Discrimination: 42 U.S.C. Section 1981 by Defendant FMC**

Do you find from a preponderance of the evidence:

Question No. 1

Was Plaintiff denied a promotional opportunity or training, or was Plaintiff disciplined by the Defendant?

Yes \_\_\_\_\_ No \_\_\_\_\_

Question No. 2

Was the Plaintiff's race a substantial or motivating factor that prompted the Defendant to take that action?

Yes \_\_\_\_\_ No \_\_\_\_\_

Question No. 3

Should the Plaintiff be awarded damages to compensate for a net loss of wages and benefits to the date of trial?

Yes \_\_\_\_\_ No \_\_\_\_\_

If your answer is Yes, in what amount?

\$ \_\_\_\_\_

Question No. 4

Should the Plaintiff be awarded damages to compensate for emotional pain and mental anguish?

Yes \_\_\_\_\_ No \_\_\_\_\_

If your answer is Yes, in what amount?

\$ \_\_\_\_\_

Question No. 5

A. Did a higher management official of the Defendants act with malice or reckless indifference to the Plaintiff's federally protected rights?

Yes \_\_\_\_\_ No \_\_\_\_\_

B. If your answer is Yes, did the Defendant fail to act in a good faith attempt to comply with the law by adopting and complying with policies designed to prohibit such harassment in the workplace?

Yes \_\_\_\_\_ No \_\_\_\_\_

C. If your answer is Yes, what amount of punitive damages, if any, should be assessed against the Defendant?

\$ \_\_\_\_\_

SO SAY WE ALL. Please continue to the next section

**Race Discrimination: Texas Labor Code Section 21.051 by Defendant FMC**

Question No. 1

Was Plaintiff denied a promotional opportunity or training, or was Plaintiff disciplined by the Defendant?

Yes \_\_\_\_\_ No \_\_\_\_\_

Question No. 2

Was the Plaintiff's race a substantial or motivating factor that prompted Defendant FMC to take that action?

Yes \_\_\_\_\_ No \_\_\_\_\_

[If you answered No to either Question 1 or 2 you need not answer the remaining question in this section]

Question No. 3

Should the Plaintiff be awarded damages to compensate for a net loss of wages and benefits to the date of trial?

Yes \_\_\_\_\_ No \_\_\_\_\_

If your answer is yes, in what amount?

\$ \_\_\_\_\_

Question No. 4

Should the Plaintiff be awarded damages to compensate for a net loss of wages and benefits in the future?

Yes \_\_\_\_\_ No \_\_\_\_\_

If your answer is yes, in what amount?

\$ \_\_\_\_\_

Question No. 5

Should the Plaintiff be awarded damages to compensate for emotional pain and mental anguish?

Yes \_\_\_\_\_ No \_\_\_\_\_

If your answer is yes, in what amount?

\$ \_\_\_\_\_

Question No. 6

- A. Did a higher management official of the Defendants act with malice or reckless indifference to the Plaintiff's federally protected rights?

Yes \_\_\_\_\_ No \_\_\_\_\_

- B. If your answer is Yes, did the Defendant fail to act in a good faith attempt to comply with the law by adopting and complying with policies designed to prohibit such harassment in the workplace?

Yes \_\_\_\_\_ No \_\_\_\_\_

- C. If your answer is Yes, what amount of punitive damages, if any, should be assessed against the Defendant?

\$ \_\_\_\_\_

SO SAY WE ALL.

Please stop here and continue on to the next Plaintiff.

**Bryant et al. v. FMC Technologies et al**

**SPECIAL VERDICT FORM: PLAINTIFF LAMAR NEWTON**

**Racial Harassment by Defendant FMC**

**Question No. 1**

Was Plaintiff subjected to a hostile or abusive work environment because of his race?

Yes \_\_\_\_\_ No \_\_\_\_\_

If you answered "Yes" to Question No. 1, then answer the following Question:

**Question No. 2**

Was such hostile or abusive work environment created or permitted by a supervisor with immediate or successively higher authority over plaintiff?

Yes \_\_\_\_\_ No \_\_\_\_\_

If you answered "Yes" to Questions No. 1 and 2, then answer the following Question:

**Question No. 3**

Did Plaintiff suffered damages as a proximate or legal result of such hostile or abusive work environment?

Yes \_\_\_\_\_ No \_\_\_\_\_

If you answered "Yes" to Questions No. 1, 2, and 3 then answer the following Question:

**Question No. 4**

A. Did Defendant exercise reasonable care to prevent and promptly correct any racially harassing behavior?

Yes \_\_\_\_\_ No \_\_\_\_\_

B. Did Plaintiff unreasonably fail to take advantage of any preventive or corrective opportunities provided by Defendant, or to avoid harm otherwise?

Yes \_\_\_\_\_ No \_\_\_\_\_

If you answered "No" both parts of question No.4, continue to question No. 5

Question No. 5

Should Plaintiff be awarded damages to compensate for a net loss of wages and benefits to the date of trial?

Yes \_\_\_\_\_ No \_\_\_\_\_

If your answer is yes, in what amount?

\$ \_\_\_\_\_

Question No. 6

Should Plaintiff be awarded damages to compensate for emotional pain and mental anguish?

Yes \_\_\_\_\_ No \_\_\_\_\_

If your answer is yes, in what amount?

\$ \_\_\_\_\_

Question No. 7

A. Did a higher management official of the Defendants act with malice or reckless indifference to the Plaintiff's federally protected rights?

Yes \_\_\_\_\_ No \_\_\_\_\_

B. If your answer is Yes, did the Defendant fail to act in a good faith attempt to comply with the law by adopting and complying with policies designed to prohibit such harassment in the workplace?

Yes \_\_\_\_\_ No \_\_\_\_\_

C. If your answer is Yes, what amount of punitive damages, if any, should be assessed against the Defendant?

\$ \_\_\_\_\_

SO SAY WE ALL. Please continue to the next section.



**Race Discrimination: Title VII by Defendant FMC**

Question No. 1

Was Plaintiff denied a promotional opportunity or training, or was Plaintiff disciplined by the Defendant?

Yes \_\_\_\_\_ No \_\_\_\_\_

Question No. 2

Was the Plaintiff's race a substantial or motivating factor that prompted Defendant FMC to take that action?

Yes \_\_\_\_\_ No \_\_\_\_\_

[If you answered No to either Question 1 or 2 you need not answer the remaining question in this section]

Question No. 3

Should the Plaintiff be awarded damages to compensate for a net loss of wages and benefits to the date of trial?

Yes \_\_\_\_\_ No \_\_\_\_\_

If your answer is yes, in what amount?

\$ \_\_\_\_\_

Question No. 4

Should the Plaintiff be awarded damages to compensate for a net loss of wages and benefits in the future?

Yes \_\_\_\_\_ No \_\_\_\_\_

If your answer is yes, in what amount?

\$ \_\_\_\_\_

Question No. 5

Should the Plaintiff be awarded damages to compensate for emotional pain and mental anguish?

Yes \_\_\_\_\_ No \_\_\_\_\_

If your answer is yes, in what amount?

\$ \_\_\_\_\_

Question No. 6

A. Did a higher management official of the Defendants act with malice or reckless indifference to the Plaintiff's federally protected rights?

Yes \_\_\_\_\_ No \_\_\_\_\_

B. If your answer is Yes, did the Defendant fail to act in a good faith attempt to comply with the law by adopting and complying with policies designed to prohibit such harassment in the workplace?

Yes \_\_\_\_\_ No \_\_\_\_\_

C. If your answer is Yes, what amount of punitive damages, if any, should be assessed against the Defendant?

\$ \_\_\_\_\_

SO SAY WE ALL. Please continue to the next section

**Racial Discrimination: 42 U.S.C. Section 1981 by Defendant FMC**

Question No. 1

Was Plaintiff denied a promotional opportunity or training, or was Plaintiff disciplined by the Defendant?

Yes \_\_\_\_\_ No \_\_\_\_\_

Question No. 2

Was the Plaintiff's race a substantial or motivating factor that prompted the Defendant to take that action?

Yes \_\_\_\_\_ No \_\_\_\_\_

Question No. 3

Should the Plaintiff be awarded damages to compensate for a net loss of wages and benefits to the date of trial?

Yes \_\_\_\_\_ No \_\_\_\_\_

If your answer is Yes, in what amount?

\$ \_\_\_\_\_

Question No. 4

Should the Plaintiff be awarded damages to compensate for emotional pain and mental anguish?

Yes \_\_\_\_\_ No \_\_\_\_\_

If your answer is Yes, in what amount?

\$ \_\_\_\_\_

Question No. 5

A. Did a higher management official of the Defendants act with malice or reckless indifference to the Plaintiff's federally protected rights?

Yes \_\_\_\_\_ No \_\_\_\_\_

B. If your answer is Yes, did the Defendant fail to act in a good faith attempt to comply with the law by adopting and complying with policies designed to prohibit such harassment in the workplace?

Yes \_\_\_\_\_ No \_\_\_\_\_

C. If your answer is Yes, what amount of punitive damages, if any, should be assessed against the Defendant?

\$ \_\_\_\_\_

SO SAY WE ALL. Please continue to the next section

**Race Discrimination: Texas Labor Code Section 21.051 by Defendant FMC**

Question No. 1

Was Plaintiff denied a promotional opportunity or training, or was Plaintiff disciplined by the Defendant?

Yes \_\_\_\_\_ No \_\_\_\_\_

Question No. 2

Was the Plaintiff's race a substantial or motivating factor that prompted Defendant FMC to take that action?

Yes \_\_\_\_\_ No \_\_\_\_\_

[If you answered No to either Question 1 or 2 you need not answer the remaining question in this section]

Question No. 3

Should the Plaintiff be awarded damages to compensate for a net loss of wages and benefits to the date of trial?

Yes \_\_\_\_\_ No \_\_\_\_\_

If your answer is yes, in what amount?

\$ \_\_\_\_\_

Question No. 4

Should the Plaintiff be awarded damages to compensate for a net loss of wages and benefits in the future?

Yes \_\_\_\_\_ No \_\_\_\_\_

If your answer is yes, in what amount?

\$ \_\_\_\_\_

Question No. 5

Should the Plaintiff be awarded damages to compensate for emotional pain and mental anguish?

Yes \_\_\_\_\_ No \_\_\_\_\_

If your answer is yes, in what amount?

\$ \_\_\_\_\_

Question No. 6

A. Did a higher management official of the Defendants act with malice or reckless indifference to the Plaintiff's federally protected rights?

Yes \_\_\_\_\_ No \_\_\_\_\_

B. If your answer is Yes, did the Defendant fail to act in a good faith attempt to comply with the law by adopting and complying with policies designed to prohibit such harassment in the workplace?

Yes \_\_\_\_\_ No \_\_\_\_\_

C. If your answer is Yes, what amount of punitive damages, if any, should be assessed against the Defendant?

\$ \_\_\_\_\_

SO SAY WE ALL.

Please stop here and continue on to the next Plaintiff.

**Bryant et al. v. FMC Technologies et al**

**SPECIAL VERDICT FORM: PLAINTIFF CARLOS BEATTY**

**Racial Harassment by Defendant FMC**

Question No. 1

Was Plaintiff subjected to a hostile or abusive work environment because of his race?

Yes \_\_\_\_\_ No \_\_\_\_\_

If you answered "Yes" to Question No. 1, then answer the following Question:

Question No. 2

Was such hostile or abusive work environment created or permitted by a supervisor with immediate or successively higher authority over plaintiff?

Yes \_\_\_\_\_ No \_\_\_\_\_

If you answered "Yes" to Questions No. 1 and 2, then answer the following Question:

Question No. 3

Did Plaintiff suffered damages as a proximate or legal result of such hostile or abusive work environment?

Yes \_\_\_\_\_ No \_\_\_\_\_

If you answered "Yes" to Questions No. 1, 2, and 3 then answer the following Question:

Question No. 4

A. Did Defendant exercise reasonable care to prevent and promptly correct any racially harassing behavior?

Yes \_\_\_\_\_ No \_\_\_\_\_

B. Did Plaintiff unreasonably fail to take advantage of any preventive or corrective opportunities provided by Defendant, or to avoid harm otherwise?

Yes \_\_\_\_\_ No \_\_\_\_\_

If you answered "No" both parts of question No.4, continue to question No. 5

Question No. 5

Should Plaintiff be awarded damages to compensate for a net loss of wages and benefits to the date of trial?

Yes \_\_\_\_\_ No \_\_\_\_\_

If your answer is yes, in what amount?

\$ \_\_\_\_\_

Question No. 6

Should Plaintiff be awarded damages to compensate for emotional pain and mental anguish?

Yes \_\_\_\_\_ No \_\_\_\_\_

If your answer is yes, in what amount?

\$ \_\_\_\_\_

Question No. 7

A. Did a higher management official of the Defendants act with malice or reckless indifference to the Plaintiff's federally protected rights?

Yes \_\_\_\_\_ No \_\_\_\_\_

B. If your answer is Yes, did the Defendant fail to act in a good faith attempt to comply with the law by adopting and complying with policies designed to prohibit such harassment in the workplace?

Yes \_\_\_\_\_ No \_\_\_\_\_

C. If your answer is Yes, what amount of punitive damages, if any, should be assessed against the Defendant?

\$ \_\_\_\_\_

SO SAY WE ALL. Please continue to the next section.

**Racial Discrimination: 42 U.S.C. Section 1981 by Defendant FMC**

Question No. 1

Was Plaintiff denied employment, a promotional opportunity or training, or was Plaintiff disciplined by the Defendant?

Yes \_\_\_\_\_ No \_\_\_\_\_

Question No. 2

Was the Plaintiff's race a substantial or motivating factor that prompted the Defendant to take that action?

Yes \_\_\_\_\_ No \_\_\_\_\_

Question No. 3

Should the Plaintiff should be awarded damages to compensate for a net loss of wages and benefits to the date of trial?

Yes \_\_\_\_\_ No \_\_\_\_\_

If your answer is Yes, in what amount?

\$ \_\_\_\_\_

Question No. 4

Should the Plaintiff be awarded damages to compensate for emotional pain and mental anguish?

Yes \_\_\_\_\_ No \_\_\_\_\_

If your answer is Yes, in what amount?

\$ \_\_\_\_\_

Question No. 5

A. Did a higher management official of the Defendants act with malice or reckless indifference to the Plaintiff's federally protected rights?

Yes \_\_\_\_\_ No \_\_\_\_\_



- B. If your answer is Yes, did the Defendant fail to act in a good faith attempt to comply with the law by adopting and complying with policies designed to prohibit such harassment in the workplace?

Yes \_\_\_\_\_ No \_\_\_\_\_

- C. If your answer is Yes, what amount of punitive damages, if any, should be assessed against the Defendant?

\$ \_\_\_\_\_

SO SAY WE ALL. Please continue to the next section

**Racial Harassment by Defendant Prostaff**

Question No. 1

Was Plaintiff subjected to a hostile or abusive work environment because of his race?

Yes \_\_\_\_\_ No \_\_\_\_\_

If you answered "Yes" to Question No. 1, then answer the following Question:

Question No. 2

Was such hostile or abusive work environment created or permitted by a supervisor with immediate or successively higher authority over plaintiff?

Yes \_\_\_\_\_ No \_\_\_\_\_

If you answered "Yes" to Questions No. 1 and 2, then answer the following Question:

Question No. 3

Did Plaintiff suffered damages as a proximate or legal result of such hostile or abusive work environment?

Yes \_\_\_\_\_ No \_\_\_\_\_

If you answered "Yes" to Questions No. 1, 2, and 3 then answer the following Question:

Question No. 4

A. Did Defendant exercise reasonable care to prevent and promptly correct any racially harassing behavior?

Yes \_\_\_\_\_ No \_\_\_\_\_

B. Did Plaintiff unreasonably fail to take advantage of any preventive or corrective opportunities provided by Defendant, or to avoid harm otherwise?

Yes \_\_\_\_\_ No \_\_\_\_\_

If you answered "No" both parts of question No.4, continue to question No. 5

Question No. 5

Should Plaintiff be awarded damages to compensate for a net loss of wages and benefits to the date of trial?

Yes \_\_\_\_\_ No \_\_\_\_\_

If your answer is yes, in what amount?

\$ \_\_\_\_\_

Question No. 6

Should Plaintiff be awarded damages to compensate for emotional pain and mental anguish?

Yes \_\_\_\_\_ No \_\_\_\_\_

If your answer is yes, in what amount?

\$ \_\_\_\_\_

Question No. 7

A. Did a higher management official of the Defendants act with malice or reckless indifference to the Plaintiff's federally protected rights?

Yes \_\_\_\_\_ No \_\_\_\_\_

B. If your answer is Yes, did the Defendant fail to act in a good faith attempt to comply with the law by adopting and complying with policies designed to prohibit such harassment in the workplace?

Yes \_\_\_\_\_ No \_\_\_\_\_

C. If your answer is Yes, what amount of punitive damages, if any, should be assessed against the Defendant?

\$ \_\_\_\_\_

SO SAY WE ALL. Please continue to the next section.

**Racial Discrimination: 42 U.S.C. Section 1981 by Defendant Prostaff**

Question No. 1

Was Plaintiff denied employment, a promotional opportunity or training, or was Plaintiff disciplined by the Defendant?

Yes \_\_\_\_\_ No \_\_\_\_\_

Question No. 2

Was the Plaintiff's race a substantial or motivating factor that prompted the Defendant to take that action?

Yes \_\_\_\_\_ No \_\_\_\_\_

Question No. 3

Should the Plaintiff be awarded damages to compensate for a net loss of wages and benefits to the date of trial?

Yes \_\_\_\_\_ No \_\_\_\_\_

If your answer is Yes, in what amount?

\$ \_\_\_\_\_

Question No. 4

Should the Plaintiff be awarded damages to compensate for emotional pain and mental anguish?

Yes \_\_\_\_\_ No \_\_\_\_\_

If your answer is Yes, in what amount?

\$ \_\_\_\_\_

Question No. 5

D. Did a higher management official of the Defendants act with malice or reckless indifference to the Plaintiff's federally protected rights?

Yes \_\_\_\_\_ No \_\_\_\_\_

E. If your answer is Yes, did the Defendant fail to act in a good faith attempt to comply with the law by adopting and complying with policies designed to prohibit such harassment in the workplace?

Yes \_\_\_\_\_ No \_\_\_\_\_

F. If your answer is Yes, what amount of punitive damages, if any, should be assessed against the Defendant?

\$ \_\_\_\_\_

SO SAY WE ALL. Please continue to the next Plaintiff

**CERTIFICATE OF SERVICE**

I certify that I sent a copy of this document to the following on this 8th day of October, 2010 via the Court's electronic filing system:

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